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BILL NO. Z-96-07-15

ZONING MAP ORDINANCE NO. Z-07-96

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. D-3.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

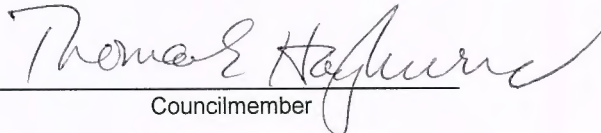
SECTION 1. That the area described as follows is hereby designated an RA (Residence A) District  
under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne, Indiana of 1974:

Part of the Southwest Quarter of Section 7, Township 30 North, Range 12 East, Allen County, Indiana,  
more particularly described as follows:


Commencing at the Southwest corner of the Southwest Quarter of Section 7, Township 30 North,  
Range 12 East, Allen County, Indiana: thence North 00 degrees 00 minutes 11 seconds West (Deed  
Bearing) along the West line of the SW¼ of Section 7-30-12 a distance of 664.62 feet to the point of  
beginning; thence North 00 degrees 00 minutes 11 seconds West along the West line of the SW¼ of  
Section 7-30-12 a distance of 331.63 feet to a 5/8 inch iron pin; thence North 89 degrees 47 minutes  
49 seconds East a distance of 425.11 feet to a 5/8 inch iron pin; thence South 00 degrees 12 minutes  
11 seconds West a distance of 656.68 feet to a 5/8 inch iron pin; thence North 89 degrees 47 minutes  
49 seconds East a distance of 170.3 feet to a 5/8 inch iron pin; thence South 21 degrees 23 minutes  
40 seconds East a distance of 198.66 feet to a 5/8 inch iron pin; thence South 03 degrees 23 minutes  
10 seconds East a distance of 114.6 feet to a 5/8 inch iron pin on the North right-of-way of Covington  
Road; thence South 89 degrees 47 minutes 49 seconds West a distance of 298.48 feet to a 5/8 inch  
iron pin on a point of a non-tangent curvature; thence Northerly on a curve to the left, having a radius  
of 125.00 feet, a central angle of 33 degrees 33 minutes 26 seconds and a chord bearing of North 16  
degrees 58 minutes 54 seconds West an arc distance of 73.21 feet to a 5/8 inch iron pin to a point  
on a reverse curve; thence Northerly on a curve to the right having a radius of 175.00 feet a central  
angle of 33 degrees 33 minutes 26 seconds and a chord bearing of North 16 degrees 58 minutes 54  
seconds West an arc distance of 102.50 feet to a 5/8 inch iron pin to the point of tangency; thence  
North 00 degrees 12 minutes 11 seconds West tangent to the aforesaid curve, a distance of 658.87  
feet to a 5/8 inch iron pin; thence South 89 degrees 47 minutes 49 seconds West a distance of 326.27  
feet to the point of beginning, containing 6.107 acres.

and the symbols of the City of Fort Wayne Zoning Map No. D-3, as established by Section 157.016 of Title XV  
of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and  
approval by the Mayor.

  
Councilmember

APPROVED AS TO FORM AND LEGALITY:

  
J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Hayhurst,  
and duly adopted, read the second time by title and referred to the  
Committee on Regulations (and the City Plan Commission  
for recommendation) and Public Hearing to be held after due legal notice, at  
the Common Council Council Conference Room 128, City-County Building, Fort  
Wayne, Indiana, on \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock  
\_\_\_\_\_, M., E.S.T.

DATED:

7-23-96

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Hayhurst,  
and duly adopted, placed on its passage. PASSED ~~LOST~~  
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>7</u>			
BENDER	<u>✓</u>			
CRAWFORD	<u>✓</u>			
EDMONDS				<u>✓</u>
HALL	<u>✓</u>			
HAYHURST	<u>✓</u>			
HENRY	<u>✓</u>			
LUNSEY				<u>✓</u>
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			

DATED:

8-13-96

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL)

(ZONING)

ORDINANCE

RESOLUTION NO.

2-07-96

on the

13<sup>th</sup>

day of

August

19\_\_\_\_

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

DD Schmitt  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the 14<sup>th</sup> day of August, 1996,  
at the hour of 2:00 o'clock P, M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 16th day of August,  
1996, at the hour of 10:00 o'clock A, M., E.S.T.

Paul Heimke  
PAUL HEIMKE, MAYOR





#617

# Petition for a Zoning Map Amendment

#18504

Community & Economic Development / 1 Main Street Rm #830 / Fort Wayne IN 46802 / (219) 427-1129

I/We Colony Bay

do hereby petition to amend the Zoning Map of the City of Fort Wayne Indiana, by reclassifying from designation

a/an: R1 and R3

to a/an: RA

designation the property located at the common street address of: 6500 Covington Road

and further described as follows: (See addendum attached as Exhibit "A" for the legal description of the property.)

(Please attach a legal description if more space is needed.)

The purpose of this rezoning is to permit the use of the property for the following: (See addendum attached as Exhibit "B".)

Property Owner(s) Name(s): Colony Bay, an Ohio partnership

Street Address: c/o Siara Management, Inc., 2121 S. Green Road

City: Cleveland

State: Ohio

Zip Code: 44121

Phone:

I/We the undersigned, do hereby certify that I am/We are the owner(s) of more than fifty percent (50%) of the property described in this petition; that I/We agree to abide by all provisions of the Fort Wayne Zoning Ordinance as well as all procedures and policies of the Fort Wayne City Plan Commission as relating to the handling and disposition of this petition; and that the above information is true and accurate to the best of my/our knowledge.

COLONY BAY, an Ohio partnership

By:

Signature

CHESTER F. MADES

Printed Name

6/12/96

Date

Its:

AGENT

Signature

Printed Name

Date

Signature

Printed Name

Date

## CONSENT TO APPLICATION FOR MULTI-FAMILY DEVELOPMENT PLAN

As the owner of record of certain real estate located in Allen County, Indiana, which real estate is legally described on the addendum attached to this consent as Exhibit "A" ("Real Estate"), we consent to the the application for a Multi-Family Development Plan for the Real Estate filed Turtle Creek Management, Inc.

COLONY BAY, an Ohio partnership

By:   
(Signature)

Its: CHESTER F. NADET AGENT  
(Printed/Typed Name and Title)

Notes to the Applicant:

- If additional space is needed for either a legal description, or property owners names addresses and signatures, please attach same to this form.
- All requests and deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice being submitted to the newspaper for publication.
- Filing of this petition grants the City of Fort Wayne permission to post "Official Notice" on the petitioned property. Failure to post, or to maintain posting may prevent the public hearing from being held.
- All checks should be made payable to: CITY OF FORT WAYNE.

Name and Address of preparer, attorney or agent.

James A. Federoff, Esq.

800 Standard Federal Plaza, P.O. Box 800

Fort Wayne, IN 46801-0800

(219) 422-0800

Telephone Number

Receipt #: \_\_\_\_\_

Date Filed: \_\_\_\_\_

Map #: \_\_\_\_\_

Reference #: \_\_\_\_\_



## CERTIFICATE OF SURVEY

GREGORY L. ROBERTS PLS 50548 IN  
KENNETH W. HARRIS PLS 9500021 IN

DONOVAN ENGINEERING INC  
2020 INWOOD DRIVE  
EXECUTIVE PARK  
FORT WAYNE, INDIANA 46815

JOHN R. DONOVAN PE 9173 PLS 9921 IN  
FRANCIS X. MUELLER PLS 50193 IN

The undersigned has made a re-survey of the real estate located in ALLEN County, Indiana, as shown and described below. The description of the real estate is as follows:

Part of the Southwest Quarter of Section 7, Township 30 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of the Southwest Quarter of Section 7, Township 30 North, Range 12 East, Allen County, Indiana; thence North 00 degrees 00 minutes 11 seconds West (Deed bearing) along the West line of the SW $\frac{1}{4}$  of Section 7-30-12 a distance of 664.62 feet to the point of beginning; thence North 00 degrees 00 minutes 11 seconds West along the West line of the SW $\frac{1}{4}$  of Section 7-30-12 a distance of 331.63 feet to a 5/8-inch iron pin; thence North 89 degrees 47 minutes 49 seconds East a distance of 425.11 feet to a 5/8-inch iron pin; thence South 00 degrees 12 minutes 11 seconds West a distance of 656.68 feet to a 5/8-inch iron pin; thence North 89 degrees 47 minutes 49 seconds East a distance of 170.3 feet to a 5/8-inch iron pin; thence South 21 degrees 23 minutes 40 seconds East a distance of 198.66 feet to a 5/8-inch iron pin; thence South 03 degrees 23 minutes 10 seconds East a distance of 114.6 feet to a 5/8-inch iron pin on the North right-of-way of Covington Road; thence South 89 degrees 47 minutes 49 seconds West a distance of 298.48 feet to a 5/8-inch iron pin on a point of a non-tangent curvature; thence Northerly on a curve to the left, having a radius of 125.00 feet, central angle of 33 degrees 33 minutes 26 seconds and a chord bearing of North 16 degrees 58 minutes 54 seconds West an arc distance of 73.21 feet to a 5/8-inch iron pin to a point on a reverse curve; thence Northerly on a curve to the right having a radius of 175.00 feet a central angle of 33 degrees 33 minutes 26 seconds and a chord bearing of North 16 degrees 58 minutes 54 seconds West an arc distance of 102.50 feet to a 5/8-inch iron pin to the point of tangency; thence North 00 degrees 12 minutes 11 seconds West tangent to the aforesaid curve, a distance of 158.87 feet to a 5/8-inch iron pin; thence South 89 degrees 47 minutes 49 seconds West a distance of 325.27 feet to the point of beginning, containing 6.107 acres.

NOTE: According to the Flood Insurance Rate Map (FIRM) Number 18003C0265 D, dated Sept. 28, 1990, the herein described real estate is located in Zone "X", and is not in a flood hazard area.

## **ADDENDUM**

**The purpose of this rezoning is to permit the use of the property for the following:** A patio-home project which will be marketed with the already approved and adjacent assisted living facility as part of the alternate lifestyle choices which will be available to senior citizens. There will be ten fourplex and three duplex buildings in the proposed project. The individual patio-home units each will be separated by a party wall. The individual units and buildings may be separately owned or leased. Services to the residents of the patio-homes will be available from the adjacent assisted living facility, including transportation services, meals at the assisted living facility, and medication assistance. Primary and secondary development plans of the patio-home project will be submitted to the Plan Commission for approval pursuant to Zoning Ordinance requirements. The development plans will provide a detailed explanation of the proposed patio-home project.

## **EXHIBIT "B"**



## RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

**WHEREAS**, the Common Council of the City of Fort Wayne, Indiana, on July 23, 1996 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-96-07-15; and,

**WHEREAS**, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

**WHEREAS**, the City Plan Commission conducted a public hearing on such proposed ordinance on July 15, 1996.

**NOW THEREFORE, BE IT RESOLVED** that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a **DO PASS** recommendation based on the Commission's following "Findings of Fact".

1) Approval of the request will be in substantial compliance with the City of Fort Wayne Comprehensive Plan, and should not establish an undesirable precedent in the area.

2) Approval of the request will not have an adverse impact on the current conditions in the area, or the character of current structures and uses in the area.

Approval will complement the existing development patterns, and represent a considerable investment, preserving residential qualities while blending into the commercial uses.

3) Approval is consistent with the preservation of property values in the area.

**BE IT FURTHER RESOLVED** that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held July 22, 1996.

Certified and signed this  
26th day of July 1996.



---

Carol Kettler Sharp  
Secretary



*From the desk of:*  
**Pat Biancaniello**

Agent:

James Federhoff  
800 Standard Federal Plaza  
P O Box 800  
City 46801-0800

422-0800

2-96-07-15

BILL NO. Z-96-07-15

REPORT OF THE COMMITTEE ON  
REGULATIONS  
REBECCA J. RAVINE - THOMAS E. HAYHURST - CO-CHAIR  
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of  
Fort Wayne Zoning Map No. D-3

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

*Thomas E. Hayhurst*

*Rebecca J. Ravine*

*Dudrie Hall*

*Robert J. ...*

*Thomas A. Bender*  
*D. Schomier*

DATED:

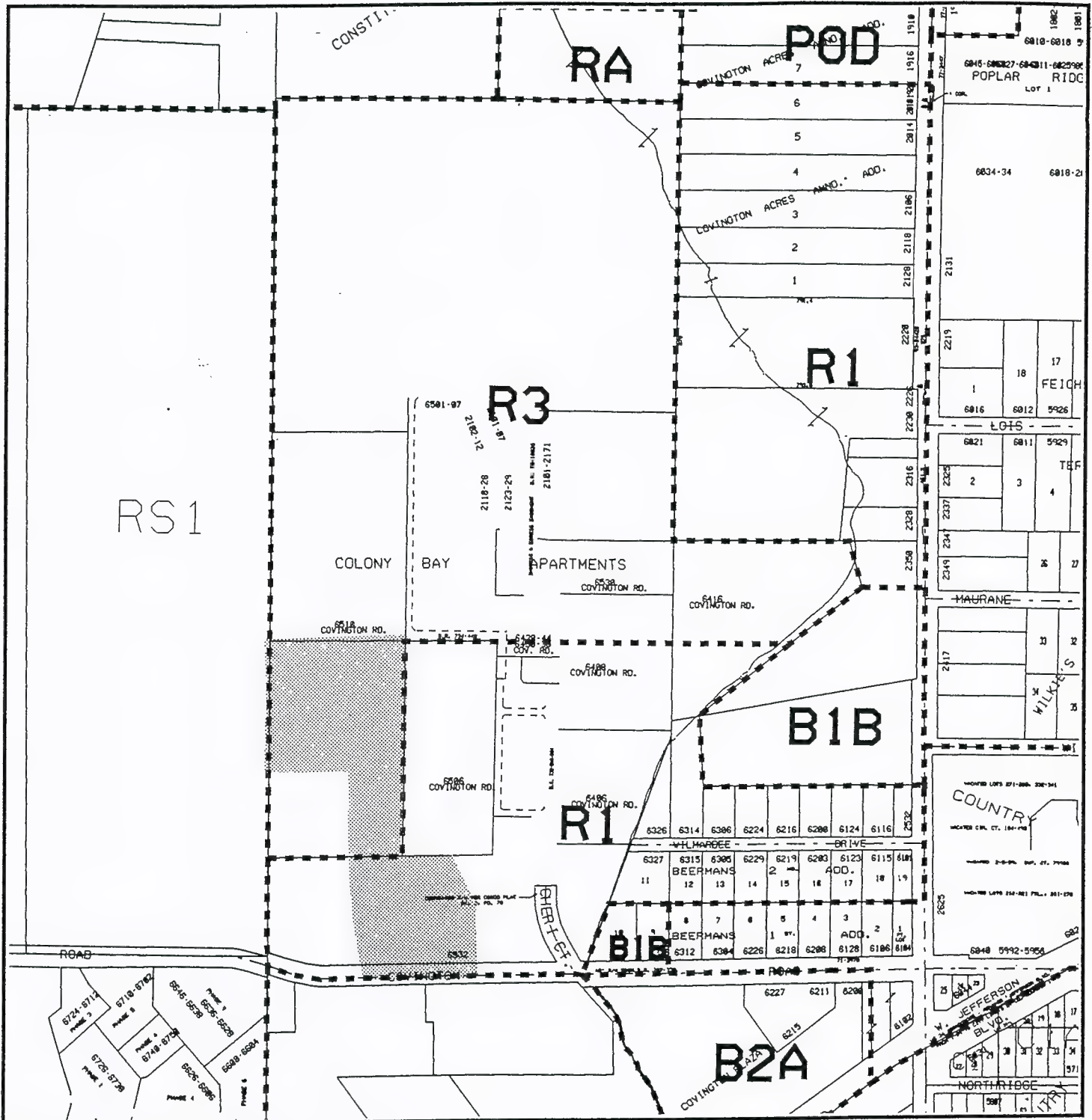
Sandra E. Kennedy  
City Clerk



# REZONING PETITION

AREA MAP

CASE NO. #617



COUNCILMANIC DISTRICT NO. 4

Map No. D - 3  
LW 6-22-96

<b>R1</b>	One-Family	<b>B1</b>	Limited Business	<b>M1</b>	Light Industrial
<b>R2</b>	Two-Family	<b>B2</b>	Planned Shopping Center	<b>M2</b>	General Industrial
<b>R3</b>	Multi-Family	<b>B3</b>	General Business	<b>M3</b>	Heavy Industrial
<b>RA/RB</b>	Residential	<b>B4</b>	Roadside Business	<b>MHP</b>	Mobile Home Park
<b>PUD</b>	Planned Unit Dev.	<b>POD</b>	Professional Office District		

ORIGINAL

ORIGINAL

#617

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 6500 Covington Road

2-96-07-15

EFFECT OF PASSAGE Property is currently zoned R-1 - Single  
Family Residential and R-3 - Multi-Family Residential. Property  
will become R-A - Residential District "A".

EFFECT OF NON-PASSAGE Property will remain zoned R-1 - Single  
Family Residential and R-3 - Multi Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

(ASSIGN TO COMMITTEE) \_\_\_\_\_



# FACT SHEET

Z-96-07-15

## Division of Community Development & Planning

BILL NUMBER

BRIEF TITLE APPROVAL DEADLINE REASON

Zoning Map Amendment

From R1 &amp; R3 to RA

### DETAILS

### POSITIONS

### RECOMMENDATIONS

Specific Location and/or Address 6500 Covington Road
Reason for Project  Development of 46 dwelling units.
Discussion (Including relationship to other Council actions)  <u>July 15, 1996 - Public Hearing</u>  (See Attached Minutes of Meeting)  <u>July 22, 1996 - Business Meeting</u>  Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.  Of the eight (8) members present, seven (7) voted in favor of the motion, the Chair did not vote.  Motion carried.  Members Present: Linda Buskirk, Jim Dearing, Ernest Evans, DeDe Hall, James Hoch, Richard Pierce, Thomas Quirk, Dave Ross  Member Absent: Carol Kettler Sharp

Sponsor	City Plan Commission
Area Affected	City Wide  Other Areas
Applicants/ Proponents	Applicant(s) Turtle Creek Management City Department  Other
Opponents	Groups or Individuals  Basis of Opposition
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against  Reason Against
Board or Commission Recommendation	By  <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

Reference or Case Number



- b. Change of Zone #617  
From R-1 & R-3 to RA  
6500 Covington Road

4. **Public Hearing on the Primary Development Plan of Turtle Creek / Covington Commons**

6500 Covington Road

James Federhoff, attorney, for the petitioner's, Turtle Creek Management, appeared before the Commission. Mr. Federhoff stated that the purpose of the rezoning is to allow the Commission to consider and approve the development plan for the project. He stated that the "sister" part of this project was presented to and approved by the Board of Zoning Appeals for an Assisted Living Facility. He stated this request is the other half of the project. He stated that the reason that they are seeking an RA designation is to eliminate the potential procedural problems that they would face with a platted project. He stated that they have worked with the staff to come up with a mechanism that they felt would work. He stated that this rezoning and development plan is the result of those meetings with staff. He stated that the development is a series of patio homes. He stated that there will be a combination of 4-plexes and duplexes. He stated that currently the only improvement on this site is a single family residence, and it will be demolished as part of this development. He stated that the owner of this property is the same owner of the Colony Bay Apartments. He stated that they feel that the proposed rezoning is ideal from the compatibility and land use perspective. He stated that the staff comments on the rezoning are favorable. He stated that he would like to address the issues raised about the development plan. He stated that there will be a total of 13 buildings, with a maximum of 46 patio home units. He stated that there will be 10 4-plexes and 3-duplexes. He stated that the target market for this project is the population over 55. However, there will not be any minimum age set by the developer. The patio homes will be marketed along with the previously approved Assisted Living Facility, which is located to the southwest of the patio home project. The patio homes will have a more independent lifestyle than the Assisted Living Facility. However, the Assisted Living Facility will provide for amenities and options to the patio home residents that would not be available otherwise. He stated those amenities would be things such as transportation and medication reminders. He stated that all external maintenance of the patio homes would be provided by the developer in a set of restrictive covenants that will be recorded. He stated that the developer's goal, is to create the patio home project, in connection with the Assisted Living Facility, in order to offer a wider range of lifestyle choices to retired persons and persons who need a more supportive environment, other than the typical single family residential or multi-family residential facilities available in our area. Access to the site would be at the same location as approved by the Board of Zoning Appeals for the Assisted Living Facility. He stated that the street would be a dedicated public street. He stated that they have had discussions with Tom Manny, Traffic Engineer for the City, and pursuant to the discussions, have agreed to maintain the street, even though it will be a dedicated public right-of-way. It will be a dedicated public street but maintained pursuant to restrictive covenants that will be recorded, that will pass on the obligation, not only to the owners of the patio homes, the developer or subsequent owners, but also the owner of the Assisted Living Facility. Internally there will be a series of private driveways that will spur off of the city street, and then serve each unit, likewise those private driveways will be maintained in accordance with the restrictive covenants. Street lighting will be installed along the dedicated public street, consistent with city specifications. There also will be yard lighting, that will be installed for each of the units. Storm drainage for the

- b. Change of Zone #617  
From R-1 & R-3 to RA  
6500 Covington Road

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development will be directed to a detention basin, located just east of the dedicated public street. The outfall for that detention basin will be taken east of the pond located at the frontage entrance to Colony Bay. He stated that they have made arrangements with the owners of Colony Bay as part of the purchase to allow the drainage. Specific drainage calculations and design will be provided for the secondary development plan. He stated that water will be provided by city utilities and sanitary sewer by Utility Center. He stated that they have worked with the city staff on the landscaping plan and attempted to accomplish a landscape design that would preserve as many of the mature existing trees that are on the site at the southeast corner. He stated that there will also be perimeter landscaping that will be installed for additional screening, since the adjacent area is a multi-family apartment building, the property to the west is a cemetery, they feel the landscaping as proposed adequately serves the purpose. He stated that sidewalks are proposed to be installed on both sides of the dedicated street, consistent with staff comments, and also will be installed on one side of the internal driveways, to provide internal pedestrian circulation. He stated that they are also willing to commit to install a 5 foot sidewalk along the north side of Covington Road, if and when, there ever is a connecting sidewalk constructed. He stated they would make that commitment by way of a recorded letter of amendment, if the Plan Commission requires. He stated that each unit will have a garage and a driveway. This will provide off street parking for each unit of two vehicles, which exceeds the minimum requirements of the ordinance. He stated that this is a very aesthetically pleasing project and it will be a quality project. He stated that there are three signs proposed for this project. He stated that at the BZA proceedings they indicated that there would be shared entrance signs, and that will be the case. He stated, however, they will be requesting the Board of Zoning Appeals for permission to install a 66 sf sign, (the size is larger than what is allowed per the Zoning Ordinance). He stated that they will have two directional signs, one at the private driveway on the southern part of the project and one at the entrance to the private driveways on the northern part of the project. He stated that each of those signs will not exceed 32 sf in area. He stated that he would also note that staff comments for the project are favorable, and they agreed with the proposed additions for approval, as was suggested by staff. In conclusion, he respectfully requested the Commission for a DO PASS recommendation to City Council for the rezoning and also approval of the Primary Development Plan.

Linda Buskirk questioned why they would want the access street to be a public street, if they are going to maintain the street. She questioned what would be the advantage to the City.

Mr. Federhoff stated that the street would be built to city specifications. He further stated that from a developer's perspective, it would be preferable for marketing purposes, to insure the proposed occupants and purchasers of the property in the development, that it would be a city street and would be maintained to city specifications.

Ms. Buskirk questioned what advantage this would be to the city.

Mr. Federhoff stated that he doesn't see that there is any distinct advantage to the city. He stated that they did have specific discussions with Tom Manny, Traffic Engineer, about the concept. Mr. Manny expressed his concerns, in terms of maintenance requirements, and those are accommodated in an another fashion, as they would be, then Mr. Manny had no objection to the proposal.

Ms. Buskirk questioned if this was something that was normally done.

Pat Fahey stated not that he was aware of. He stated that he knew that there was a concern



about the dedication of the right-of-way, but he was not sure exactly how that was going to be addressed.

Ms. Buskirk stated that she would have a concern about the liability. Ms. Buskirk stated that if there is an accident on the street, and they (developers) were not maintaining the street to city specs, who would be liable, since it will be a dedicated street. She stated that she felt this issue should be run by the City Attorney's office.

Jim Dearing questioned if there was any access from this proposed development into the Assisted Living Facility development.

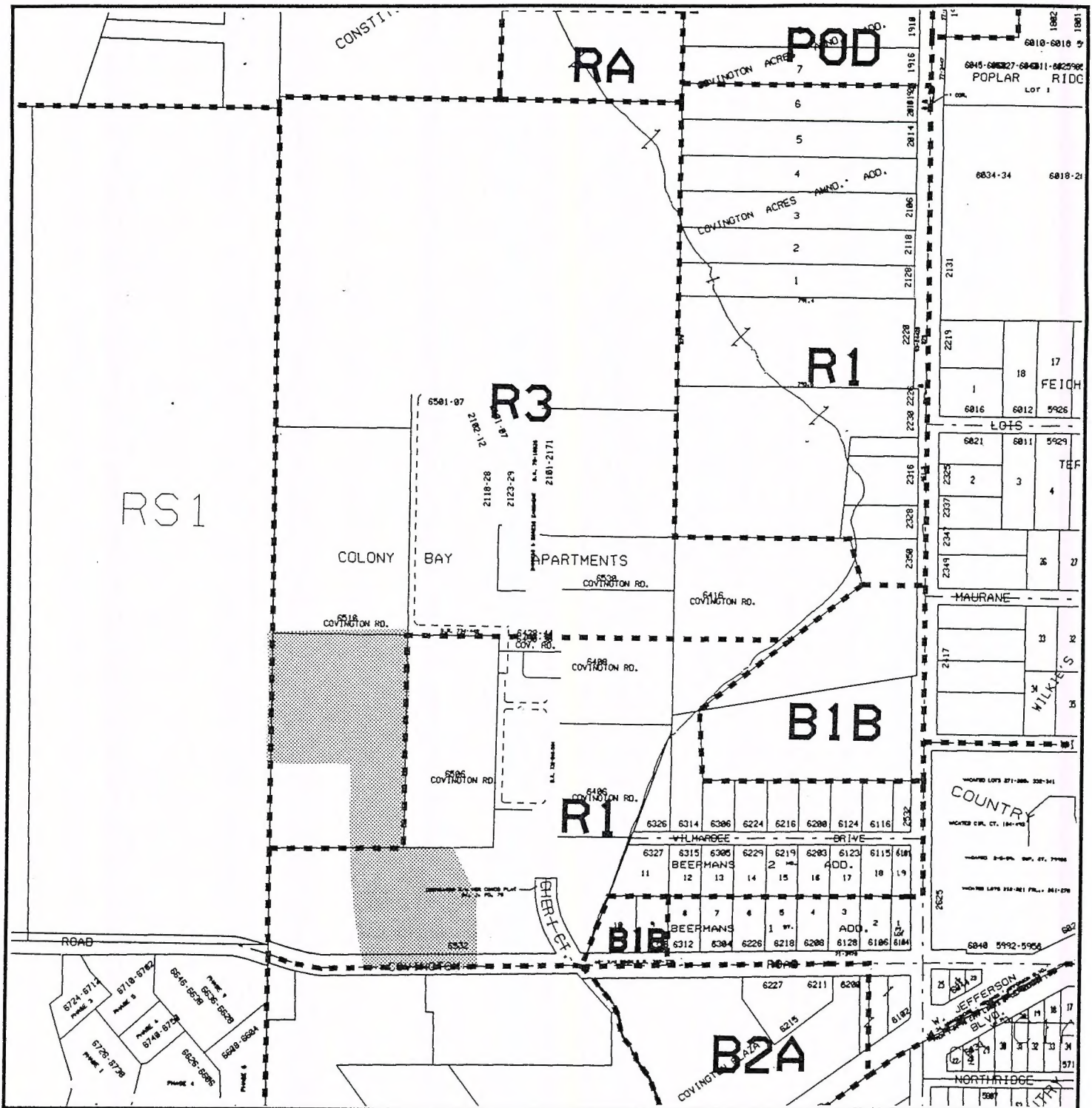
Mr. Federhoff stated that there will be a common entrance that will serve both projects.

There was no one else present who spoke in favor of or in opposition to the proposed rezoning or the primary development plan.

# REZONING PETITION

## AREA MAP

CASE NO. #617



COUNCILMANIC DISTRICT NO. 4

Map No. D - 3  
LW 6-22-96

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

## RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

**WHEREAS**, the Common Council of the City of Fort Wayne, Indiana, on July 23, 1996 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-96-07-15; and,

**WHEREAS**, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

**WHEREAS**, the City Plan Commission conducted a public hearing on such proposed ordinance on July 15, 1996.

**NOW THEREFORE, BE IT RESOLVED** that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a **DO PASS** recommendation based on the Commission's following "Findings of Fact".

1) Approval of the request will be in substantial compliance with the City of Fort Wayne Comprehensive Plan, and should not establish an undesirable precedent in the area.

2) Approval of the request will not have an adverse impact on the current conditions in the area, or the character of current structures and uses in the area.

Approval will complement the existing development patterns, and represent a considerable investment, preserving residential qualities while blending into the commercial uses.

3) Approval is consistent with the preservation of property values in the area.

**BE IT FURTHER RESOLVED** that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held July 22, 1996.

Certified and signed this  
26th day of July 1996.



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Carol Kettler Sharp  
Secretary



**James A. Federoff, attorney for Colony Bay, requests a change of zone from R-1 and R-3 to RA**

Location: 6500 Covington Road

Legal: See file

Land Area: Approximately 6.1 acres

Zoning: R-1 and R-3

Surroundings:	North	R-3	Apartments (Colony Bay)
	South	B-2-C	Covington Plaza Shopping Center
	East	R-1	Apartments (Colony Bay)
	West	County	Cemetery and residential

Reason for Request: Development of 46 dwelling units.

Neighborhood Assoc.: None

Neighborhood Plan: No comment.

Comprehensive Plan: The general land use policies of the comprehensive plan state that development proposals should be compatible with existing and planned land uses and should not establish and undesirable precedent in the area to be developed.

This property is located in the West Sector of the Outer Ring. The overall goal in the Outer Ring is to encourage growth in a balanced manner that is within or adjacent to existing development in the urban service area. More specifically, the goal of the west sector is to contain growth within the urban service line.

#### **Planning Staff Discussion:**

This parcel immediately abuts Colony Bay to the north and east, a cemetery to the west. Located on the north side of Covington Road, Covington Plaza Shopping Center is located on the south. The developer is proposing to construct an "assisted living" facility on the southwestern corner of the total acreage (previously approved by the Board of Zoning Appeals, and not included in this petition), and would like to develop residential dwelling units on this parcel. The proposed site plan has also been submitted for primary review of the Plan Commission.

This area of Covington Road has commercial development from Getz Road west to the Colony Bay entrance on the north side and to the quarter section line on the south side. The proposed zoning will complement the existing development pattern in the area. The requested RA zoning will allow the intended improvements contingent upon a development plan approval of the Plan Commission. This will give the Plan Commission control over the character of the site development features, ensuring compatibility with other area development.

Existing development and increased traffic would potentially lower the feasibility of this acreage being developed for traditional single family residential. Colony Bay has a considerable investment in the area and in this particular acreage. The proposed development would augment the residential investment in the area. The proposed development will also represent a substantial investment in the area. The character of the immediate development pattern in turn allows the proposed project to capitalize on the attractive blend of residential and commercial uses.

Recommendation: Do Pass for the following reasons:

- 1) Approval of the request will be in substantial compliance with the City of Fort Wayne Comprehensive Plan, and should not establish an undesirable precedent in the area.
- 2) Approval of the request will not have an adverse impact on the current conditions in the area, or the character of current structures and uses in the area.

Approval will complement the existing development patterns, and represent a considerable investment, preserving residential qualities while blending into the commercial uses.

- 3) Approval is consistent with the preservation of property values in the area.